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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING



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FREQUENTLY ASKED QUESTIONS

Commercial Hunting Guide Operations in the State of Michigan

Commercial Forest Regulations Prohibiting Commercial Guiding and Baiting

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What is a commercial hunting guide operation?

A commercial hunting guide operation provides guiding service to clients wanting to hunt game on state-owned lands in exchange for goods, services, money, barter, or anything of value.

Why do I need a Use Permit to be a hunting guide on state land?

The Department of Natural Resources and Environment Director, Rebecca A. Humphries approved, in October of 2005, a Department procedure for those seeking permission to use state lands for commercial and other purposes. This procedure affects groups, businesses, or individuals using state-owned lands for commercial operations, including hunting guides. Since 2005, the Department has proceeded to authorize various commercial operations (canoe liveries, drift boat guides, etc.) on state lands utilizing the approved process. This process involves the development of a short term, limited lease authorizing the commercial use and the assessment of a fee based on the intensity of the use. In 2009 it was determined that commercial hunting guides on state lands required Department oversight as do other commercial uses of state lands.

Why is guiding considered a commercial use of state land?

Hunting guides using state lands fits the definition of a commercial use under R 299.921, Rule 21 which defines commercial operations:

(b) "Commercial operations" means any activity that involves, directly or indirectly, the buying or selling of goods or services, or the exchange or attempt or offer to exchange goods or services for money, barter, or for anything of value.

Does this commercial use also apply to National Forest land, Commercial Forest land, or Hunting Access Program (HAP) land?

The Department's commercial use initiative is limited to state-owned land only and does not apply to National Forest land or private lands, which includes Commercial Forest and HAP lands.

Why do I need a Use Permit this year (2010)?

While commercial operations have been unlawful for many years without a permit, the Department lacked a procedure to evaluate those proposed uses of state land and charge appropriate application, review, monitoring and use fees for allowable activities. Department procedures are now in place to evaluate proposed uses of state land for their applicability to the Department's mission and judge the potential effects on facilities, natural resources, and use of the lands by others. The Department has determined that guiding hunters on state-owned lands requires oversight by the Department to minimize conflicts.

What is the process for obtaining a Use Permit?

An application form must be completed and returned to the Department if you plan on using any state land for guiding activities in 2010. The application is available online at www.michigan.gov/statelandpermission. A hard copy of the application may also be obtained by contacting Brenda Mikula at (231) 597-0472.

Will the Use Permit restrict the way I've guided hunters in the past?

During 2010 there will be no restrictions to all legal guiding services on state land. However, additional guidelines may be provided for future years.

If I employ people to work for me guiding hunters, do I need a Use Permit for each person?

No. Each business that conducts commercial operations on state lands will need a Use Permit. Employees working for this business would be covered under the one Use Permit, but, the Department will need to know how many employees each guiding business has so that Department can issue Commercial Use stickers which will serve as an

identification for registered guides. If an employee is also operating a commercial use independent from the primary business, they would need their own Use Permit.

What is the cost of the Use Permit?

There is NO COST for 2010 to obtain the Use Permit that authorizes guiding activity on state-owned lands. A \$50 application fee is normally required when applying for a permit. However, because the Department is transitioning into managing commercial guiding activities on state-owned lands and wishes to register as many guides as possible, the \$50 application fee will be waived in 2010. Additionally, no insurance will be required in 2010.

If there are no costs, why is the Department registering guides in 2010?

The information provided on the application will assist the Department in determining the scope of guiding in general throughout the state as well as help determine use levels. Registration will also allow the Department to assemble a mailing list of guides, which will be used to notify applicants of public meetings planned for 2010.

Will I need to obtain a Use Permit and will I be charged a fee after 2010?

The Department may charge application, review, use of the land, and possibly monitoring fees. The establishment of these charges would be to cover Department costs. It is also likely that the Department will transition these activities to a lease format in the future in order to minimize the need to apply each year. In that case, some of the initial fees (application, review) would be eliminated. It is probable that charges will be assessed in future years based on the level of use the commercial operation represents on state-owned lands.

What will the cost be for a Use Permit after 2010?

These charges have not yet been determined, but, will be based on the intensity of use and impact to the resource. Feedback from the use levels in 2010 will be used to classify guide services as low, medium or high use categories.

What do I get if I submit an application?

If you submit an application, the Department will return an executed copy to you for your use in 2010. It is this executed copy that will serve as your official authorization to conduct guiding activities on state-owned lands in 2010, fulfilling the requirements of R 299.922(x). Additionally, the guide service will receive Commercial Use vehicle stickers for each active guide in the field. These stickers serve as an identifier that the service has registered with the Department.

What happens if I am caught guiding without a Use Permit?

Guides who fail to register with the Department, yet conduct guiding activities on state-owned lands in 2010, may be found guilty of a civil infraction and subject to a fine of not more than \$500 under R299.922(x).

Is commercial guiding allowed on Commercial Forest-enrolled lands?

NO. Other than forestry, commercial use of lands enrolled in the Commercial Forest program is prohibited. It does not matter whether the landowner receives compensation or not, the commercial use is not allowed. Commercial guiding services are both an ancillary hunting activity and a commercial use that are prohibited by Commercial Forest Act statute. If a landowner gives a commercial guide permission to guide on Commercial Forest-enrolled land, then the landowner is in violation of the Commercial Forest Act section 324.51113 that prohibits commercial activity. The declassification process may be implemented to withdraw the property from the Commercial Forest program. If the commercial guiding is taking place without the landowners' permission, and the landowner reports the activity to law enforcement officials, those conducting the guiding activity may be in violation of trespass laws and subject to jail time and/or fines.

Is commercial baiting allowed on Commercial Forest-enrolled land?

Attorney General Mike Cox stated in a February 2, 2006 letter that commercial bear baiting is a prohibited activity on Commercial Forest-enrolled lands. Commercial baiting (someone hired or paid to place bait) is both an ancillary hunting activity and a commercial use and is prohibited by Commercial Forest Act statute. If the landowner gives permission for commercial baiting then the landowner is in violation of the Commercial Forest Act section 324.51113 that prohibits commercial activity. The declassification process may be implemented to withdraw the property from the Commercial Forest program. If the commercial baiting is taking place without the landowners' permission, and the landowner reports the activity to law enforcement officials, those conducting the baiting activity may be in violation of trespass and/or littering laws and subject to jail time and/or fines.

Who do I contact with questions about the Use Permit process?

Brenda Mikula, Leasing Manager
Cheboygan Field Office
120 A Street
Cheboygan, MI 49721
231-597-0472
mikulab@michigan.gov

Who do I contact for general information about commercial use of state land, including hunting guides?

Harold Herta, Chair, DNRE Commercial Operations Workgroup
517-335-5695
hertah@michigan.gov

Who do I contact for more information about wildlife management?

Mike Bailey, DNRE Wildlife Division
517-373-1263
baileym3@michigan.gov

Who do I contact for more information about Commercial Forest regulations prohibiting commercial guiding and baiting?

Scott Heather, Resource Protection and Cooperative Programs Section Manager
517-373-1219
heathers@michigan.gov

Shirley Businski, Commercial Forest Program Leader
517-373-1277
businskis@michigan.gov

Lt. Tim Robson, Law Enforcement Division
906-228-6561
robsont@michigan.gov